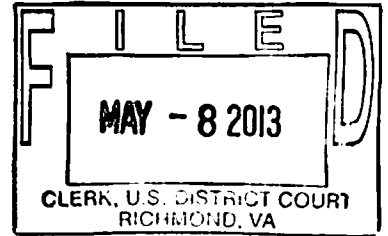


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



DARRELL UNDERWOOD, et al.,

Plaintiffs,

v.

Civil Action No. **3:12CV736**

CLAIRE G. CARDWELL, et al.,

Defendants.

MEMORANDUM OPINION

By Memorandum Order entered on November 20, 2012, the Court conditionally docketed this civil action by Darrell Underwood and Cynthia Underwood ("C. Underwood"). At that time, the Court directed C. Underwood to submit a statement under oath or penalty of perjury that:

- (A) Identifies the nature of the action;
- (B) States her belief that she is entitled to relief;
- (C) Avers that she is unable to prepay fees or give security therefor; and,
- (D) Includes a statement of the assets she possesses.

See 28 U.S.C. § 1915(a)(1). The Court provided C. Underwood with an *in forma pauperis* affidavit form for this purpose and directed her to complete and return it to the Court. The Court warned C. Underwood that a failure to complete and return the *in forma pauperis* affidavit within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

C. Underwood has not complied with the orders of this Court. C. Underwood failed to return a completed *in forma pauperis* affidavit form. As a result, she does not qualify for *in forma pauperis* status. Furthermore, she has not paid the statutory filing fee for the instant action.

See 28 U.S.C. § 1914(a). Such conduct demonstrates a willful failure to prosecute. *See* Fed. R. Civ. P. 41(b). Accordingly, C. Underwood will be DISMISSED as a party to this action.

An appropriate Order shall accompany this Memorandum Opinion.

Date: 5-8-13
Richmond, Virginia

/s/
James R. Spencer
United States District Judge